

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Robertson, Anschutz & Schneid, P.L. Attorneys for Secured Creditor 6409 Congress Avenue, Suite 100 Boca Raton, FL 33487 -and- 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone No.: 973-575-0707 (local) Telephone No.: 561-241-6901 (main) Laura Eggerman, Esq. (LE-8250)	CASE NO.: 17-29499-VFP CHAPTER 13
In Re: Awni Abuhadba, Debtor	

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

GOSHEN MORTGAGE LLC, AS SEPARATE TRUSTEE FOR GDBT I TRUST 2011-1 ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 14), and states as follows:

1. Debtor, Awni Abuhadba, ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on September 27, 2017.
2. Secured Creditor holds a security interest in the Debtor's real property located at 18 SUNRISE DR, WAYNE, NJ 07470 , by virtue of a Mortgage recorded on March 1, 2004 in Book M4304, at Page 135 of the Public Records of Passaic County, NJ. Said Mortgage secures a Note in the amount of \$300,000.00.
3. The Debtor filed a Chapter 13 Plan on October 25, 2017.
4. Debtor's Plan states that the Debtor intends to refinance the aforementioned real property by December 15, 2017. In the event that the Debtor is not successful in refinancing the real property, the Debtor's plan is grossly underfunded and therefore infeasible.

5. Debtor's Plan fails to state the total arrearage amount owed. It is anticipated that Secured Creditor's claim will show the pre-petition arrearage due Secured Creditor is \$307,263.20. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$307,263.20 as the pre-petition arrearage over the life of the plan.
6. Debtor's Plan fails to include regular monthly mortgage payments due to Secured Creditor. Pursuant to the loan documents, the regular monthly mortgage payment due is \$4,782.82. Further, the monthly payment may be subject to periodic adjustments for escrow and/or variable interest rates, thus requiring amendment during the pendency of the Plan. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. § 1325(a)(5) and cannot be confirmed. Secured Creditor objects to the Plan and to any plan which does not appropriately provide for the correct regular monthly mortgage payment.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

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CERTIFICATION OF SERVICE

1. I, Laura Eggerman, represent Objecting Creditor in this matter.
2. On 11/29/2017, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below: Objection to Confirmation of Plan
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

11/29/2017

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<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
David L. Stevens, Esq. Scura, Wigfield, Heyer & Stevens 1599 Hamburg Turnpike Wayne, NJ 07470	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Awni Abuhadba 18 Sunrise Drive Wayne, NJ 07470	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
U.S. Department of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)